

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

De Lage Landen Financial Services, Inc.	:	
	:	
	Plaintiff	CIVIL ACTION NO. 02-CV-2810
vs.	:	
	:	
Toshiba America Medical Systems, Inc.	:	
	:	
	Intervenor Plaintiff	:
	:	
vs.	:	
	:	
DeSoto Diagnostic Imaging, LLC., Randon J.	:	
Carvel, Lynn T. Carvel, Delta Radiology, P.C.	:	
and Zobar Properties, LLC.	:	
	:	
	Defendants	:

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**PLAINTIFFS' OBJECTIONS AND COUNTER DESIGNATIONS  
TO DEFENDANTS' DEPOSITION DESIGNATIONS**

Plaintiff De Lage Landen Financial Services, Inc. hereby objects to the deposition designations of defendants and proposes counter designations as follows:

**1. Raymond Crouse**

<b>Page and Line</b>	<b>Objection</b>	<b>Counter Designation</b>
17:3-17:6	Need last two lines to place in context	17:7 – 17:8
65:3-67:24	Relevance; Lack of foundation; Hearsay Questioning asks for witnesses opinion of what author of email had in mind.	
70:23 – 71:11	Objection. Form of questions improper; assumes only one of two possibilities, asks for legal	

	position rather than facts	
88.5-89.3	Objection. Work Product; Attorney Client Privilege. Exhibit inadvertently produced	

2. **Dave Begy**

Page and Line	Objection	Counter Designation
26.23-27.1 and 27.5 – 27.7	Objection. Calls for a legal conclusion as to who had remarketing responsibility	
28.25-28.13	Objection. Lack of foundation. Assumes facts not in evidence	
35.8-35.14	Objection to form of question; Lack of foundation; If question and answer permitted, plaintiff designates lines 15-16	35.15-35.16
58.21-59.10	Objection. Lack of foundation; Lack of personal knowledge; Calls for speculation	
69.21-70.8	Objection. Lack of foundation; Assumes facts not in evidence	
115.20-115.21	Objection. Attorney objection is not evidence	
116.21-116.24	Objection. Attorney objection is not evidence	

3. **Don Flassing**

<b>Page and Line</b>	<b>Objection</b>	<b>Counter Designation</b>
22.9 – 25.8	Relevance. Setting of reserve within DLL has no relevance to the claims in this matter	
27.12-28.3	Relevance. Setting of reserve within DLL has no relevance to the claims in this matter	
37.4-37.21	Relevance. Setting of reserve within DLL has no relevance to the claims in this matter	
37.24-38.1; 38.9-38.10	Relevance. Setting of reserve within DLL has no relevance to the claims in this matter	
38.12-38.17	Relevance. Setting of reserve within DLL has no relevance to the claims in this matter	
46.15-52.17	Relevance. Testimony regarding reasons for DLL and Toshiba not renewing program agreement is not relevant to claims in this case	
58.24-59.12	Objection to form of the question. Assumes facts not in evidence. Improperly and inaccurately purports to summarize earlier testimony	
60:22-61:2	Objection to the form of the question. Vague and ambiguous as to whether questions relates to this transaction or to transactions in general under Toshiba program	
101:23-102:04	Relevance. Setting of reserve within DLL has no relevance	

	to the claims in this matter	
119:10-120:7		120:8-120:13

4. **Gary Hall**

Page and Line	Objection	Counter Designation
19:8-19:17	Colloquy among lawyers. Not relevant evidence	
30:22-31:20	Objection. Mischaracterizes testimony of another witness; Improperly asks witness to comment on summary of testimony of another witness	
43:17-44:2	Objection to form of question, leading, mischaracterizes the testimony of the witness; argumentative	
64:20-69:9		60:2-64:19
67:15-67:24	Objection. Lack of foundation, calls for expert opinion, witness not qualified as an expert.	
68:1-69:9	Objection. Lack of foundation, calls for expert opinion, witness not qualified as an expert.	
76:5-76:19	Objection. Mischaracterizes the witness's testimony; Lack of foundation, calls for legal conclusion	
80:23-82:17	Objection. Lack of foundation, calls for speculation and assumptions on the part of the witness.	

86:18-89:6	Objection. Hearsay. Testimony based on hearsay as evidenced by page 87 lines 17-19	
119:12-119:22	Objection. Lack of foundation, calls for expert opinion, witness not qualified as an expert.	
120:9-120:18	Objection. Lack of foundation. Assumes facts not in evidence. Mischaracterizes the witnesses prior testimony	
		123:6-124:8

5. **Larry Levin**

Page and Line	Objection	Counter Designation
22:10-25:3	Objection. Calls for legal conclusion and legal opinion as to an issue of law in the case.	
		50:6-50:10
57:14-57:17	Objection. Relevance. Any remote relevance outweighed by potential prejudice. DLL's net worth would be relevant only in the event the Court determines that sufficient evidence has been presented to support an award of punitive damages	
71:7-72:23	Objection. Privilege. Memo from L Levin, an attorney at DLL to R Crouse regarding status, which includes legal advice. Document	

	inadvertently produced in discovery.	
141:19-142:3	Objection. Leading. Assumes facts not in evidence. Witness was not permitted to complete answer.	

6. **Lisa Sparta**

Page and Line	Objection	Counter Designation
20:4-20:5	Objection withdrawn. Delete objection before reading	
33:14-33:20	Objection. Compound question. Question re asked without objection beginning in line 33:21	
38:18-39:8	Objection. Based upon selection, unclear what is being asked. Lack of foundation. Vague and ambiguous	

7. **Eugene Holliday**

Page and Line	Objection	Counter Designation
		22:11-22:23
36:17-19; 36:23-37:14	Lack of foundation; Calls for expert opinion as to value; Witness neither qualified nor identified as an expert	
49:4-49:16	Lack of foundation; Calls for expert opinion as to changes in value over time, Witness	

	neither qualified nor identified as an expert	
55:12-56:5	Attorney colloquy should be eliminated from the portion read to the jury	
85:22-87:9	Lack of foundation; Calls for expert opinion as to value; Witness neither qualified nor identified as an expert	
91:6-91:18	This is redirect. Since the testimony to which this redirect refers was not designated, there is no reason to permit the redirect testimony	
103:23-105:17	This is redirect. Since the testimony to which this redirect refers was not designated, there is no reason to permit the redirect testimony	

#### 8. **Zebulon Stewart**

Page and Line	Objection	Counter Designation
		26:9-26:16
		43:24-42:15
		44:12-44:16
		56:21-57:11
		64:17-64:24
		197:7-197:22
216:22-217:18	Hearsay; Lack of foundation; Lack of personal knowledge:	

	Improperly seeks to have witness testify about state of mind of author of email	
		224:9-224:18

Respectfully submitted:

**McCARTER & ENGLISH, LLP**

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De Lage Landen Financial Service

Dated: June 8, 2004

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CERTIFICATE OF SERVICE**

I, Peter J. Boyer, Esquire, hereby certify that on June 8, 2004, I caused a true copy of the foregoing Plaintiff's Objections and Counter Designations to Defendants' Deposition Designations to be served upon the following counsel in this action:

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